

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LAW OFFICES OF BRADLEY J. HOFLAND,)
P.C.,)

Plaintiff,)

v.)

EMILY McFARLING, et al,)

Defendants.)

2:06-cv-00898-BES-LRL

ORDER

On September 8, 2006, Defendants, Emily McFarling and Law Offices of Emily McFarling (“McFarling”), filed a Petition for an Order Compelling Arbitration (#16). Plaintiff filed an Opposition to the Petition (#23) and McFarling replied (#25). Magistrate Judge Lawrence R. Leavitt entered a Report and Recommendation (#27) on February 12, 2007. None of the parties filed objections to this recommendation. For the following reasons, this Court adopts and accepts the Magistrate Judge’s Report and Recommendation (#27).

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1) (2005). Further, under 28 U.S.C. § 636(b)(1), if a party makes a timely objection to the magistrate judge’s recommendation, then this Court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.”¹ *Id.* Nevertheless, the statute does not “require[] some lesser review by [this Court] when no objections are filed.” *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). Instead, under the statute, this Court is not

¹ For an objection to be timely, a party must serve and file it within 10 days after being served with the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1) (2005).

1 required to conduct “any review at all . . . of any issue that is not the subject of an objection.”
2 Id. at 149. Similarly, the Ninth Circuit has recognized that a district court is not required to
3 review a magistrate judge’s report and recommendation where no objections have been filed.
4 See United States v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
5 of review employed by the district court when reviewing a report and recommendation to which
6 no objections were made); see also Schmidt v. Johnstone, 263 F.Supp. 2d 1219, 1226 (D.
7 Ariz. 2003) (reading the Ninth Circuit’s decision in Reyna-Tapia as adopting the view that
8 district courts are not required to review “any issue that is not the subject of an objection”).
9 Thus, if there is no objection to a magistrate judge’s recommendation, this Court may accept
10 the recommendation without review. See e.g., Johnstone, 263 F.Supp. 2d at 1226 (accepting,
11 without review, a magistrate judge’s recommendation to which no objection was filed).

12 In this case, none of the parties filed an objection to the Magistrate Judge’s Report and
13 Recommendation. Because no objections were filed, this Court is not required to review the
14 Report and Recommendation, and therefore accepts it.

15 IT IS HEREBY ORDERED that this Court adopts and accepts the Magistrate Judge’s
16 Report and Recommendation (#27). Therefore, in accordance with the Report and
17 Recommendation, McFarling’s Petition for an Order Compelling Arbitration (#16) is
18 GRANTED.

19 IT IS FURTHER ORDERED that these proceedings should be stayed pending
20 resolution of the arbitration.

21 DATED: This 9th day of April, 2007.
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26 UNITED STATES DISTRICT JUDGE
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